

REMARKS

In response to the non-final Office Action mailed March 10, 2005 (Paper No. 09994586), the Assignee submits the appended amendments and remarks. The Office Action rejected claims 39 - 41, 46 - 52, 54 - 58, 62 - 63, 66, and 68 - 69 as anticipated by U.S. Patent No. 5,712,914 to Auchsmith et al (hereinafter "*Auchsmith*"). Claims 43 - 45, 53, 61, 64 - 65, and 67 were rejected as obvious over *Auchsmith*. Claims 39 - 69 are pending in the present application. The present response traverses all of the prior Office Action rejections, and allowance of the pending claims is kindly requested.

I. The Anticipation Rejection of Claims 39-41, 46-52, 54-58, 62-63, 66, and 68-69 (Office Action, ¶ 1)

The Office Action rejected claims 39 - 41, 46 - 52, 54 - 58, 62 - 63, 66, and 68 - 69 under 35 U.S.C. § 102(e) as unpatentable over *Auchsmith*. Office Action, pp. 2 - 4, ¶ 1. *Auchsmith* relates to the use of digital certificates to validate a credit card, or other document, rather than authenticating a user's identity as in the Applicants' claimed invention. *Auchsmith* states that, "FIGS. 12 and 13 illustrate examples of the use of digital certificates with multimedia extensions ... These examples illustrate the processes which may be performed for checking the validity of a driver's license, and a credit card for the performance of a transaction." The Applicants' claimed invention can authenticate a user's identity rather than merely validating a credit card, driver's license, or other document. This difference may be significant since the information known to the user can be utilized to authenticate the user's identity rather than merely validating information contained in a document, such as a driver's license or credit card, which can be stolen or lost and utilized by an unauthorized person.

Furthermore, *Auchsmith* does not relate to the use of credit data from a credit reporting database to authenticate a user's identity. Moreover, *Auchsmith* does not form and present a query to a user in real time, wherein the query is based on at least credit data from a credit reporting database. Specifically, independent claim 39 recites "(b) formulating and presenting to the user, in real time, a query based on the first type of information received and upon information located in a credit file, the credit file containing credit-related information from a plurality of the user's creditors" While *Auchsmith* mentions verifying "credit of the account" for a credit card transaction application and detecting whether "sufficient credit does not exist" in steps 1308 and 1310 of FIG. 13 (see Col. 13, lines 33 – 36), *Auchsmith* does not specifically disclose the element "(b) formulating and presenting to the user, in real time, a query based on the ... information located in a credit file, the credit file containing credit-related information from a plurality of the user's creditors" *Auchsmith* appears to unilaterally check the credit of an account and determine if sufficient credit exists rather than formulating and presenting any query in real time to a user.

Applicants' independent claims 63 and 66 include similar elements to claim 39, and the arguments presented above can be applied to claims 63 and 66. For at least the above reasons, *Auchsmith* does not disclose each and every element of Applicants' independent claims 39, 63, and 66, and these claims should be patentable over the cited art.

Moreover, dependent claims 40 - 41, 46 - 52, 54 - 58, 62, and 68 - 69 are ultimately dependent from at least one of the above independent claims for which arguments of patentability have already been advanced above. Therefore, *Auchsmith* does not disclose

each and every element of Applicants' dependent claims 40 - 41, 46 - 52, 54 - 58, 62, and 68 - 69, and these claims should be patentable over the cited art.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 43-45, 53, 61, 64-65, and 67
(OFFICE ACTION, ¶ 2)

The Office Action rejected dependent claims 43-45, 53, 61, 64-65, and 67 under 35 U.S.C. § 103(a) as unpatentable over *Auchsmith*. Office Action, pp. 4 - 5, ¶ 2. These dependent claims are ultimately dependent from at least one of the above independent claims for which arguments of patentability have already been advanced above. Therefore, *Auchsmith* does not disclose or suggest each and every element of Applicants' dependent claims 43-45, 53, 61, 64-65, and 67, and these claims should be patentable over the cited art.

III. THE OBJECTION TO CLAIMS 59 AND 60 (OFFICE ACTION, ¶ 3)

The Office Action indicates claims 59 and 60 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 59 and 60 are ultimately dependent from at least one of the above independent claims for which arguments of patentability have already been advanced above. Therefore, *Auchsmith* does not disclose or suggest each and every element of Applicants' dependent claims 59 and 60, and these claims should be patentable over the cited art.

CONCLUSION

Claims 39 - 69 are pending in the application. The Office Action rejections are believed to be traversed by the present response. Claims 39 - 69 should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance for Claims 39 - 69. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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